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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28323-2023
Date of decision : 29.01.2024

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Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Yashjot S. Dhaliwal, Advocate
the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.29 dated 28.06.2022 registered for the offences punishable under Sections 420, 511 of the Indian Penal Code and Sections 66(c), 66(D) of IT Act, 2000 at Police Station Cyber Crime Police, Crime Wing, SAS Nagar Mohali.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR it has been alleged as under :

“xxx Subject:- Complaint against unknown WhatsApp caller. It is brought to your kind notice that I received a WhatsApp message today from mobile number 7436906364 on 28-06-2022 at 12:10 PM. The sender asked me to buy him Amazon Gift Card: The sender impersonated as DGP, Punjab. You are hereby

requested to investigate the matter as per law and take legal action please. Regards. Sd/- Amit Talwar, IAS, Deputy Commissioner, S.A.S Nagar Dated: 28.06.2022. The DSP, Cyber Crime ordered "Register the case & Investigate". Prima facie contents of the complaint disclose the offence under section 420, 511 of IPC and 66C, 66D of IT Act 2000. Hence, a case U/s 420, 511 of IPC and 66C: 66D of IT Act 2000 is being registered against unknown user of WhatsApp Mobile number 7436906364 xxx”

4. Counsel for the petitioner submits that the allegation is merely of impersonation and there is no transfer of any property involved in the present matter. The petitioner is behind bars for more than 1 year, 6 months and 21 days. Not only the challan stands presented but the trial has also proceeded considerably and is almost at its fag end and denying the petitioner bail at this juncture would amount to denial of right to lead defence evidence to him.

5. State Counsel is not in position to dispute that the trial is indeed at advanced stage and only one PW remains.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the nature of allegation levelled against the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 29, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No